

From: Joseph Callahan/DC/USEPA/US  
To: [tim.presley@ammcoats.com](mailto:tim.presley@ammcoats.com), [kevin.keefe@ammcoats.com](mailto:kevin.keefe@ammcoats.com), [tim.gilmore@ammcoats.com](mailto:tim.gilmore@ammcoats.com),  
Cc: Anita Cummings/DC/USEPA/US@EPA, [David Mancinelli@abtassoc.com](mailto:David_Mancinelli@abtassoc.com)  
Date: 08/16/2010 04:24 PM  
Subject: Further information from BADA/Hennessy to EPA

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Mr. Presley,

I am sorry that I did not have this information during our phone conversation earlier today, but it has been some years since I have had any occasion to work with confidential business information (CBI).

Under the Toxic Substances Control Act, EPA regularly gathers a great deal of information from the chemical industry on their production, etc. Under our authorizing statute and in particular circumstances, companies may claim that information they provide to EPA is confidential (CBI), and we have an extensive program and detailed procedures for maintaining that confidentiality.

For the first thing, if you choose to send any information to us regarding the lead wheel weights project that you consider to be confidential, please *do not send it in an e-mail*. That is not considered sufficiently secure. It should be sent via Fed Ex or some other courier service to an authorized EPA Document Control Officer or sent by FAX to a dedicated EPA CBI FAX machine. We may be able to relax those requirements a bit as long as we are sure that the EPA recipient is someone who is expecting your materials.

But on thinking a bit further about the sorts of information we were discussing, I am inclined to think that it would be better that you not send us any confidential information. Most of the chemical information that we are used to getting that falls under CBI protection is used by merging together information obtained from many separate chemical companies. In those cases, even though we start with information from particular companies, by a process of merging and aggregation we create a picture of the chemical industry that is accurate overall but which does not reveal the particular details of any one company's production. In the case of your industry, however, there are so few companies that it would be difficult to mask the source of our information. This information is quite a bit different from the kind of chemical production data that we most often classify as CBI.

In any case, I think you have already given us much of the general background information that we need. If you would like to try and respond to those last two sets of questions in a general descriptive but non-specific, non-quantitative way, that would be a further help. I don't think we need to have specific dollar amount answers to those questions.

If you would still like to pass along some response which you wish to claim as CBI, let me know and I will locate and pass on to you the appropriate contact information for getting your response to an appropriate EPA CBI respondent.

Thanks much for your help.

Joe

Joseph M. Callahan  
OPPT/EETD/EPAB

(202) 564-8793

----- Forwarded by Cody Rice/DC/USEPA/US on 06/07/2016 11:47 AM -----

From: Joseph Callahan/DC/USEPA/US  
To: [tim.presley@ammcoats.com](mailto:tim.presley@ammcoats.com),  
Cc: David Mancinelli <[David\\_Mancinelli@abtassoc.com](mailto:David_Mancinelli@abtassoc.com)>  
Date: 09/14/2010 04:13 PM  
Subject: EPA rulemaking schedule

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Mr. Presley,

I wanted to get back to you to let you know as much as I can regarding EPA's schedule on this project.

I have been told that I cannot pass on any internal information on our rulemaking schedule for the lead wheel weight project, but there is some publically available information that describes EPA's rulemaking agenda.

If you do a google search on "EPA Rulegate" you should get to a public web site that has information on EPA's various rulemaking projects. The projects are listed by RIN (Regulation Identifier Number). The RIN for the lead wheel weights regulatory investigation is 2070-AJ64. Under that heading you will find a brief description of this project. You should be able to see that the schedule currently calls for publication of an NPRM in October of 2011. That date is not fixed and irrevocable, but it does express EPA's current intentions and expectations.

An EPA NPRM is a Notice of a Proposed Rulemaking, and is published in the Federal Register. The NPRM will include a discussion of the background and the purpose for the action, a discussion of the potential costs and benefits of the action, and then the proposed regulatory language. This publication marks the transition from the phase of internal EPA pre-proposal investigations to the proposal phase. During the proposal phase there will be some specific amount of time during which input from the public is solicited with regard to the specific proposed regulatory language. We look forward to hearing from you again at that stage.

There is no fixed time schedule from the date of Federal Register publication of an NPRM to the date of EPA final decision on adoption of a rule. It could be a matter of months, or a matter of years. But in any event, there will be a set period of time mentioned in the Federal Register notice during which the public is encouraged to contact EPA with comments on the proposal. EPA will review and respond to all comments received during this public comment phase. EPA will then consider, based on the comments and on the judgment of the Agency, whether or not to go forward with the action as proposed or with some modification.

Additional information on the EPA regulatory process can be found at the "EPA Rulegate" web site.

Thanks again for all of your help.

Joe Callahan

Joseph M. Callahan

OPPT/EETD/EPAB  
(202) 564-8793